

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Haeley Galeote	Team: Squad #14	CCRB Case #: 202207933	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/10/2022 10:07 PM, Thursday, 11/10/2022 10:07 PM	Location of Incident: § 87(2)(b) _____ § 87(2)(b) Hospital	18 Mo. SOL 5/10/2024	Precinct: 79		
Date/Time CV Reported Fri, 11/18/2022 1:07 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 11/18/2022 1:07 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Rodney Hale	24629	933826	079 PCT
2. DTS Rudy Urena	04032	955609	ESS 08
3. LT Louis Martinez	00000	949266	079 PCT
4. DTS Paul Ragone	04438	949521	ESS 08
5. DTS Brian Benvenuto	03407	952459	ESS 08
6. PO Mark Blackburn	20808	950085	ESS 08

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Emilio Ortega	06216	916969	079 PCT
2. PO Bushra Akram	12650	972433	079 PCT
3. PO Maricel Zambranomieles	28020	972322	079 PCT
4. CPT Gabrielle Walls	00000	927655	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Rodney Hale	Off. Language: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke offensively regarding § 87(2)(b) actual or perceived disability.	§ 87(2)(g)
B. PO Rodney Hale	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke discourteously to § 87(2)(b)	§ 87(2)(g)
C. PO Rodney Hale	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke discourteously to § 87(2)(b)	§ 87(2)(g)
D. PO Rodney Hale	Off. Language: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke offensively regarding § 87(2)(b) actual or perceived disability.	§ 87(2)(g)
E. PO Rodney Hale	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke discourteously to § 87(2)(b)	§ 87(2)(g)
F. DTS Brian Benvenuto	Abuse: Detective Brian Benvenuto entered § 87(2)(b) in Brooklyn.	§ 87(2)(g)
G. DTS Paul Ragone	Abuse: Detective Paul Ragone entered § 87(2)(b) in Brooklyn.	§ 87(2)(g)
H. DTS Rudy Urena	Abuse: Detective Rudy Urena entered § 87(2)(b) in Brooklyn.	§ 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
I.PO Mark Blackburn	Abuse: Police Officer Mark Blackburn entered § 87(2)(b) in Brooklyn.	
J.DTS Brian Benvenuto	Abuse: Detective Brian Benvenuto searched § 87(2)(b) in Brooklyn.	
K.DTS Rudy Urena	Abuse: Detective Rudy Urena searched § 87(2)(b) in Brooklyn.	
L.LT Louis Martinez	Abuse: Lieutenant Louis Martinez forcibly removed § 87(2)(b) to the hospital.	
M.DTS Paul Ragone	Discourtesy: At § 87(2)(b) in Brooklyn, Detective Paul Ragone spoke discourteously to § 87(2)(b)	
N.PO Rodney Hale	Force: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale used physical force against § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On November 18, 2022, § 87(2)(b) filed this complaint in person with the CCRB.

On November 10, 2022, at approximately 10:07 p.m., at § 87(2)(b) in Brooklyn, Police Officers Rodney Hale, Emilio Ortega, Bushra Akram, Maricel Zambrano, Lieutenant Louis Martinez, Captain Gabrielle Walls, all of the 79th Precinct, responded to a 911 call regarding § 87(2)(b) yelling, throwing things, and possibly possessing a knife. As § 87(2)(b) barricaded herself inside her apartment, PO Hale called § 87(2)(b) crazy (**Allegation A: Offensive Language**, § 87(2)(g) **Allegation B: Discourtesy**, § 87(2)(g) used the word “shit” (**Allegation C: Discourtesy**, § 87(2)(g) and stated that § 87(2)(b) was “off her damn rails” (**Allegation D: Offensive Language**, § 87(2)(g) **Allegation E: Discourtesy**, § 87(2)(g) Lieutenant Martinez requested the Emergency Services Unit (ESU) on scene, thus Police Officer Mark Blackburn, and detectives Rudy Urena, Paul Ragone, and Brian Benvenuto, all of ESU Truck 8, arrived on scene and entered § 87(2)(b) apartment (**Allegations F-I: Abuse of Authority**, § 87(2)(g) When inside the apartment, Det. Benvenuto and Det. Urena searched § 87(2)(b) apartment (**Allegations J-K: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was then removed to § 87(2)(b) Hospital (**Allegation L: Abuse of Authority**, § 87(2)(g) As § 87(2)(b) walked to the ambulance, Det. Ragone used the word “fuck,” in regard to § 87(2)(b) (**Allegation M: Discourtesy**, § 87(2)(g) At § 87(2)(b) Hospital, § 87(2)(b) was allegedly pushed into a chair by PO Hale (**Allegation N: Force**, § 87(2)(g) § 87(2)(g), § 87(4-b)

No arrests or summonses resulted from this incident.

The investigation received body-worn camera (BWC) footage from Police Officers, Hale, Ortega, Akram, Zambrano, Blackburn, detectives Urena, Ragone, Benvenuto, Lieutenant Martinez, and Captain Walls (**BR 03**), the relevant aspects of which are discussed in further detail below.

Findings and Recommendations

Allegation (A) Offensive Language: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke offensively regarding § 87(2)(b) actual or perceived disability.

Allegation (B) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke discourteously to § 87(2)(b)

Allegation (D) Offensive Language: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke offensively regarding § 87(2)(b) actual or perceived disability.

Allegation (E) Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale spoke discourteously to § 87(2)(b)

§ 87(2)(b) did not allege that PO Hale made offensive remarks to her nor that he used profanity.

PO Hale’s BWC (**BR 08**) from 02:50 to 03:16, PO Hale tells § 87(2)(b) through the door “Step outside § 87(2)(b) people say you’re going crazy,” to which § 87(2)(b) states, “I didn’t say I was going crazy.” From 10:50 to 11:05, when PO Hale states “I’ve been coming here for the past seven years,” the EMT can be heard stating, “Seven years of the shit,” to which PO Hale responds with, “yeah, seven years of this shit.” § 87(2)(b) is heard through the door stating, “no, six years” in response to PO Hale. From 14:11 to 14:30, as PO Hale stands outside § 87(2)(b) front door, PO Hale states to the EMT, “we knew what we were coming into. We came here, but not like this,

she's like completely off her damn rails. She's usually just a little coherent." § 87(2)(b) responds back through the door, "I'm coherent."

PO Hale testified (BR 05) that he was aware that § 87(2)(b) could hear him through the door. PO Hale called § 87(2)(b) crazy because she acts crazy and responded to multiple jobs for § 87(2)(b) due to her acting crazy. PO Hale further stated that he used the word "shit" when speaking to the EMT because he was feeling frustrated due to having responded to multiple jobs for § 87(2)(b) over the past seven years. PO Hale had also stated to the EMT that § 87(2)(b) was "off her damn rails," because in previous interactions with her, § 87(2)(b) had not screamed in the way she was during this specific incident. PO Hale further explained that § 87(2)(b) would usually open her door when officers arrived, which allowed for them to speak to her, but for this incident she refused to open the door and screamed and yelled.

Patrol Guide Procedure 200-02 (BR 09) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may also not use profanity when it "[serves] no legitimate purpose but to belittle" a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 10).

Administrative Guide 304-06 (BR 25) states that members of service are prohibited from using discourteous or disrespectful remarks regarding another person's age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.

§ 87(2)(g) PO Hale called § 87(2)(b) crazy and stated that she was "off her damn rails," thus making discourteous remarks regarding § 87(2)(b) perceived disability. PO Hale also used profanity, all while knowing that § 87(2)(b) was able to hear him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: Detective Brian Benvenuto entered § 87(2)(b) in Brooklyn.

Allegation (G) Abuse of Authority: Detective Paul Ragone entered § 87(2)(b) in Brooklyn.

Allegation (H) Abuse of Authority: Detective Rudy Urena entered § 87(2)(b) in Brooklyn.

Allegation (I) Abuse of Authority: Police Officer Mark Blackburn entered § 87(2)(b) in Brooklyn.

Allegation (J) Abuse of Authority: Detective Brian Benvenuto searched § 87(2)(b) in Brooklyn.

Allegation (K) Abuse of Authority: Detective Rudy Urena searched § 87(2)(b) in Brooklyn.

Allegation (L) Abuse of Authority: Lieutenant Louis Martinez forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) testified (BR 07) the superintendent provided the officers with keys to open her door. The officers told § 87(2)(b) that they were coming in, to which § 87(2)(b) told them to go ahead and that she had nothing in her hands nor on her. The officers walked into § 87(2)(b) apartment with their shields up and § 87(2)(b) wanted to show them an order of protection against her neighbors, but she was told to forget about it. § 87(2)(b) was then handcuffed. The officers had not touched nor searched § 87(2)(b) apartment, as § 87(2)(b) was standing by the front door. § 87(2)(b) was put in an ambulance and escorted to § 87(2)(b) Hospital. § 87(2)(b) was released the following day from the hospital and her paperwork stated that she had irregular behavior, but § 87(2)(b) believed those were false allegations.

BWC for PO Ortega (BR 22) from 13:15 to 13:30, PO Ortega tells the EMT that he "thinks" § 87(2)(b) has to go to the hospital, and the EMT immediately replies that § 87(2)(b) "has to go" because of her history, to which PO Ortega states that he will request his supervisor on

scene. From 15:25 to 15:55, Lieutenant Martinez arrives, and PO Ortega informs him they are trying to get § 87(2)(b) out of her apartment, and the EMT proceeds to say that according to § 87(2)(b) neighbor she is not taking her medication, § 87(2)(b) is also screaming, not letting anyone speak to her, and will not open her door. From 16:00 to 16:41, § 87(2)(b) refuses to come out her apartment at the Lieutenant's request. After the Lieutenant hits § 87(2)(b) lock, § 87(2)(b) says to stop that thus she is asked to open her door. § 87(2)(b) refuses to open her door stating at 16:24, "no, you got fucking people to do what they got to do." At § 87(2)(b) response, at 16:40, the EMT states that he will request his boss then. From 18:09 to 18:15, when the residential's security guard comes up he states that he does not have the keys for § 87(2)(b) apartment as the superintendent is not picking up. Starting at 18:46, Lieutenant Martinez asks if there are any weapons to which PO Zambrano states "it said possible weapons" and PO Ortega states, "She might, remember when she tried to stab § 87(2)(b) being a past tenant of the residence.

In Det. Benvenuto's BWC (**BR 11**), from 14:50 to 15:29, while § 87(2)(b) front door is visibly closed, § 87(2)(b) states that she opened her door when Det. Benvenuto states he must see her. At Det. Benvenuto's request § 87(2)(b) opens the door less than halfway. When requesting to see § 87(2)(b) hands, § 87(2)(b) states she has no weapons and is calm and collected and refuses to show herself. At 17:30, with the door slightly more ajar, Det. Benvenuto asks § 87(2)(b) to come out but she refuses. From 17:51 to 18:01, § 87(2)(b) walks closer to her front door and holds a cigarette in her hand and talks about an order of protection she has. At 18:10, Det. Benvenuto walks into § 87(2)(b) apartment, along with Det. Ragone who takes § 87(2)(b) cigarette away. Starting at 18:19, Det. Benvenuto shines a flashlight into the back of § 87(2)(b) apartment. As Det. Benvenuto walks to a door located in the back of the apartment, Det. Urena and PO Blackburn are seen standing by Det. Ragone and § 87(2)(b). At 18:33, Det. Benvenuto opens a closed door located in the back of § 87(2)(b) apartment. Det. Benvenuto turns the light on looking into it, then walks back to the apartment hallway confirming everything is clear in the back of § 87(2)(b) home. At 18:41, Det. Urena opens a closed door located by the front door of § 87(2)(b) apartment. Det. Urena shines a flashlight into the room and can then be heard stating "clear" at 18:47. All officers begin to exit the apartment at 18:57 once § 87(2)(b) is taken out of the apartment.

PO Hale testified (**BR 05**) that when Lieutenant Martinez arrived on scene, Lieutenant Martinez requested ESU after § 87(2)(b) refused to come out of her apartment. After § 87(2)(b) was taken out of her apartment, she was removed to § 87(2)(b) Hospital.

Det. Ragone testified (**BR 06**) a call came through the radio stating there was a barricaded female EDP at § 87(2)(b). When at the location, Det. Ragone spoke to the patrol units and Lieutenant Martinez, who stated § 87(2)(b) was a known female EDP with a long EDP history. Det. Ragone was told that § 87(2)(b) had been outside her apartment screaming obscenities, threatening her neighbors, and barricaded herself in the apartment. Det. Ragone did not recall speaking to EMS but was aware that § 87(2)(b) would be removed to the hospital as told by Lieutenant Martinez. Det. Benvenuto tried to communicate with § 87(2)(b) through the door for approximately 20 to 30 minutes, as she refused to open the door. After § 87(2)(b) opened the door, Det. Ragone, Det. Benvenuto, Det. Urena, and PO Blackburn entered the apartment. § 87(2)(b) had a cigarette in her hand along with a beer can, which were taken away and Det. Ragone proceeded to handcuff § 87(2)(b).

In the 911 call (**BR 15**), the caller, § 87(2)(b) neighbor, requested officers at § 87(2)(b). During the call, § 87(2)(b) was heard yelling in the background. The caller stated that § 87(2)(b) was screaming and using profanity and throwing things at other people apartments. When asked if § 87(2)(b) had a weapon, the caller stated that § 87(2)(b) usually comes out the door with a knife. The caller stated that § 87(2)(b) hit two officers in the past and was very violent, and "psychotic" as she came from a "psychotic institution." When connected to EMS, the caller reiterated that § 87(2)(b) was unruly, screaming, acting hostile, and

comes out into the hallway with a knife often to scare residents on the floor. Before ending the call, EMS stated the ambulance would be there as soon as possible.

The event chronology (BR 14) shows that the 911 call was designated as an EDP ambulance case. It further stated that § 87(2)(b) was throwing things at apartments, had a mental health history, and possibly had weapons. At 22:37, Lieutenant Martinez confirmed barricaded EDP and requested ESU to location.

Medical records from § 87(2)(b) Hospital (BR 16) stated that § 87(2)(b) was talking to herself, agitated, using profanities, and acting erratic. Medical records further showed that § 87(2)(b) had to be restrained for two hours due to interference with medical treatment. § 87(2)(g)

In *People v. Doll*, 21 N.Y.3d 665 (BR 18), the court affirmed that officers may perform a warrantless entry if they have reasonable grounds to believe that there is an emergency at hand, that there is an immediate need for their assistance for the protection of life or property, and this belief must be grounded in empirical facts. A search may also be performed if there is a reasonable basis to associate the emergency with the area or place to be searched, and the search must not be motivated by an intent to arrest and seize evidence.

Patrol Guide Procedure 221-13 (BR 13) defines an Emotionally Disturbed Person (EDP) as “a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.” The Patrol Guide further specified that when an EDP is isolated/contained but will not leave voluntarily that the patrol supervisor must request Emergency Service Unit on scene.

Patrol Guide Procedure 216-01 (BR 12), states that uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.

The 911 caller informed the operator that § 87(2)(b) was screaming, threw things at doors, and that she sometimes came out of her apartment with a knife, thus both officers and EMS were requested on scene as § 87(2)(b) was described to be conducting herself in a manner which could cause serious injury to herself or others. Due to EMS being dispatched on scene from the initiation of this incident, officers were required to cooperate with EMS to get § 87(2)(b) the help she needed. As § 87(2)(b) was refusing to come out her apartment, she made herself a barricaded EDP, and as such, Lieutenant Martinez was required to request ESU as their assistance was now required in helping EMS affect § 87(2)(b) removal to the hospital. Furthermore, as § 87(2)(b) was described by the 911 caller to possibly be armed, § 87(2)(g)

Allegation (M) Discourtesy: At § 87(2)(b) in Brooklyn, Detective Paul Ragone spoke discourteously to § 87(2)(b)

§ 87(2)(b) did not allege that Det. Ragone used profanity with her.

Det. Ragone’s BWC (BR 17) from 21:01 to 21:09, as § 87(2)(b) is walked to the ambulance she spits to her left, where Captain Walls stands. Det. Ragone proceeds to state, “come on, are you fucking kidding me,” to which § 87(2)(b) states no.

Det. Ragone testified (BR 06) that he specifically used the word “fucking,” because § 87(2)(b) had spit at Captain Walls, and because he is a person and human. Det. Ragone could not say what he was feeling when he made the statement but did not believe the situation was chaotic or stressful.

Patrol Guide Procedure 200-02 (BR 09) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may also not use profanity when it “[serves] no legitimate purpose but to belittle” a civilian (PD v. Pichardo, DAO

§ 87(2)(g)

Allegation (N) Force: At § 87(2)(b) in Brooklyn, Police Officer Rodney Hale used physical force against § 87(2)(b)

§ 87(2)(b) testified (BR 07) that at § 87(2)(b) Hospital's emergency room, while still handcuffed, § 87(2)(b) was upset and tried to get a nurse's attention. When § 87(2)(b) stood up from the chair she was in, PO Hale told § 87(2)(b) to sit down and pushed § 87(2)(b) down onto the chair. PO Hale placed his hands on § 87(2)(b) shoulders when pushing her into the chair. § 87(2)(b) did not sustain any injuries from the push. § 87(2)(b) told PO Hale to not push her.

PO Hale testified (BR 05) that he pushed § 87(2)(b) back into her seat because he believed that § 87(2)(b) would attempt to walk out of the hospital, because when she stood up from her chair, she took a step. § 87(2)(b) had not communicated that she was going to walk out of the hospital, but regardless of her not verbally stating so, PO Hale did not want to give her the opportunity to do so.

§ 87(2)(b) medical records from § 87(2)(b) Hospital (BR 16) documented that attempts were made to verbally redirect her as she attempted to leave emergency room and threatened violence. § 87(2)(b) was sedated and restrained for his safety and the safety of hospital staff.

Patrol Guide Procedure 221-01 (BR 19), states that, in determining whether the use of force is reasonable, members of the service should consider some of the following: actions taken by the subject; duration of the action, whether the subject is actively resisting custody.

Patrol Guide Procedure 221-02 (BR 20), stipulates that officers should, "apply no more than the reasonable force necessary to gain control."

§ 87(2)(b) acknowledged standing up from the chair she was in, and § 87(2)(b) medical records corroborated PO Hale's testimony regarding his concern that § 87(2)(b) might try to leave the hospital. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Det. Urena has been a member-of-service for nine years and this is the first complaint to which he has been a subject.
- Det. Ragone has been a member of service for 12 years and has been a subject in three complaints and five allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Blackburn has been a member of service for 11 years and has been a subject in two complaints and two allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Hale has been a member of service for 19 years and has been a subject in 12 complaints and 23 allegations, of which one were substantiated.:
 - 202004759 involved substantiated allegations of discourtesy word against PO Hale. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A. § 87(2)(g) [REDACTED]
- Det. Benvenuto has been a member of service for 10 years and has been a subject in seven complaints and 15 allegations, of which one was substantiated:
 - 201509217 involved substantiated allegations of a stop of person against Det. Benvenuto. The Board recommended formalized training and the NYPD imposed formalized training. § 87(2)(g) [REDACTED]

- _____

[illegible]

Reviewer: _____

Signature	Print Title & Name	Date
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